

# Customs Bulletin

Regulations, Rulings, Decisions, and Notices  
concerning Customs and related matters



## and Decisions

of the United States Court of Customs and  
Patent Appeals and the United States  
Customs Court

Vol. 12

SEPTEMBER 20, 1978

No. 38

*This issue contains*

T.D. 78-304 and 78-305

Proposed Rulemaking

C.R.D 78-14

Protest abstracts P78/98 and P78/99

Reap. abstracts R78/172 and R78/173

International Trade Commission Notice

DEPARTMENT OF THE TREASURY  
U.S. Customs Service

## NOTICE

The abstracts, rulings, and notices which are issued weekly by the U.S. Customs Service are subject to correction for typographical or other printing errors. Users may notify the U.S. Customs Service, Logistics Management Division, Washington, D.C. 20229, of any such errors in order that corrections may be made before the bound volumes are published.

# U.S. Customs Service

## Treasury Decisions

(T.D. 78-304)

### Foreign Currencies—Certification Of Rates

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange which varied by 5 per centum or more from the quarterly rate published in T.D. 78-237 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following rates:

#### Austria schilling:

|                      |          |
|----------------------|----------|
| August 14, 1978..... | \$0.0712 |
| August 15, 1978..... | .0712    |
| August 16, 1978..... | .0712½   |
| August 17, 1978..... | *        |
| August 18, 1978..... | .0705    |

#### Belgium franc:

|                      |            |
|----------------------|------------|
| August 14, 1978..... | \$0.032500 |
| August 15, 1978..... | .032658    |
| August 16, 1978..... | .032710    |

#### Finland markka:

|                      |           |
|----------------------|-----------|
| August 15, 1978..... | \$0.2495½ |
|----------------------|-----------|

#### France franc:

|                      |          |
|----------------------|----------|
| August 14, 1978..... | \$0.2362 |
| August 15, 1978..... | .2358    |
| August 16, 1978..... | .2353    |

#### Germany deutsche mark:

|                      |          |
|----------------------|----------|
| August 14, 1978..... | \$0.5136 |
| August 15, 1978..... | .5113    |
| August 16, 1978..... | .5141    |

Footnote at end of table.

## Ireland pound:

|                      |           |
|----------------------|-----------|
| August 14, 1978..... | \$1. 9805 |
| August 15, 1978..... | 1. 9720   |
| August 16, 1978..... | 1. 9760   |

## Japan yen:

|                      |             |
|----------------------|-------------|
| August 14, 1978..... | \$0. 005442 |
| August 15, 1978..... | . 005397    |
| August 16, 1978..... | . 005416    |
| August 17, 1978..... | . 005310    |
| August 18, 1978..... | . 005295    |

## Netherlands guilder:

|                      |           |
|----------------------|-----------|
| August 14, 1978..... | \$0. 4730 |
| August 15, 1978..... | *         |
| August 16, 1978..... | . 4735    |

## Spain peseta:

|                      |             |
|----------------------|-------------|
| August 14, 1978..... | \$0. 013378 |
| August 15, 1978..... | . 013479    |
| August 16, 1978..... | . 013481    |
| August 17, 1978..... | . 013396    |
| August 18, 1978..... | . 013464    |

## Switzerland franc:

|                      |           |
|----------------------|-----------|
| August 14, 1978..... | \$0. 6300 |
| August 15, 1978..... | . 6220    |
| August 16, 1978..... | . 6275    |
| August 17, 1978..... | . 6050    |
| August 18, 1978..... | . 6080    |

## United Kingdom pound:

|                      |           |
|----------------------|-----------|
| August 14, 1978..... | \$1. 9805 |
| August 15, 1978..... | 1. 9720   |
| August 16, 1978..... | 1. 9760   |

(LIQ-3-O:D:S)

\*Use quarterly rate—did not vary.

August 30, 1978.

BEN L. IRVIN,  
*Acting Director,*  
*Duty Assessment Division.*

(T.D. 78-305)

## Foreign Currencies—Daily Rates for Countries not on Quarterly List

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Hong Kong dollar, Iran rial, People's Republic of China yuan, Philippines peso, Singapore dollar, Thailand baht (tical)

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified buying rates in U.S. dollars for the dates and foreign currencies shown below. These rates of exchange are published for the information and use of Customs officers and others concerned pursuant to part 159, subpart C, Customs Regulations (19 CFR 159, subpart C).

## Hong Kong dollar:

|                      |           |
|----------------------|-----------|
| August 14, 1978..... | \$0. 2200 |
| August 15, 1978..... | . 2298    |
| August 16, 1978..... | . 2105    |
| August 17, 1978..... | . 2121    |
| August 18, 1978..... | . 2128    |

## Iran rial:

|                         |            |
|-------------------------|------------|
| August 14-18, 1978..... | \$0. 0141½ |
|-------------------------|------------|

## People's Republic of China yuan:

|                      |           |
|----------------------|-----------|
| August 14, 1978..... | \$0. 5910 |
| August 15, 1978..... | . 5957½   |
| August 16, 1978..... | . 5957½   |
| August 17, 1978..... | . 5957½   |
| August 18, 1978..... | . 5904½   |

## Philippines peso:

|                         |            |
|-------------------------|------------|
| August 14-18, 1978..... | \$0. 1361½ |
|-------------------------|------------|

## Singapore dollar:

|                      |           |
|----------------------|-----------|
| August 14, 1978..... | \$0. 4490 |
| August 15, 1978..... | . 4510    |
| August 16, 1978..... | . 4525    |
| August 17, 1978..... | . 4495    |
| August 18, 1978..... | . 4480    |

## Thailand baht (tical):

|                         |           |
|-------------------------|-----------|
| August 14-18, 1978..... | \$0. 0496 |
|-------------------------|-----------|

(LIQ-3-O:D:S)

August 30, 1978.

BEN L. IRVIN,  
Acting Director,  
Duty Assessment Division.

# U.S. Customs Service

## *Proposed Rulemaking*

(19 CFR Part 6)

### Air Commerce Regulations

Withdrawal of a proposed amendment to the Customs Regulations pertaining to permits to proceed for foreign-registered aircraft

**AGENCY:** U.S. Customs Service, Department of the Treasury.

**ACTION:** Withdrawal of proposed amendment.

**SUMMARY:** This document withdraws a notice of a proposal to require foreign-registered private aircraft arriving from outside the United States to obtain a permit from Customs before proceeding from the airport of entry to any other airport in the United States. The Customs Service has determined that implementation of this procedure at this time would not be in the public interest.

**EFFECTIVE DATE:** September 11, 1978.

**FOR FURTHER INFORMATION CONTACT:** Donald H. Reusch, Carriers, Drawback, and Bonds Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229; 202-566-5706.

### SUPPLEMENTARY INFORMATION:

#### BACKGROUND

On October 5, 1977, the Customs Service published a notice of proposed rulemaking in the Federal Register (42 F.R. 54310) to amend section 6.2(d)(1) of the Customs Regulations (19 CFR 6.2(d)(1)) to require foreign-registered private aircraft arriving from outside the United States to obtain a permit from Customs before proceeding from the airport of entry to any other airport in the United States. A similar permit-to-proceed requirement now is applicable to foreign-registered commercial aircraft arriving from outside the United States. The purpose of the proposal was to facilitate enforcement of the laws administered by the Customs Service by providing Customs a means

of monitoring the movement of foreign-registered private aircraft in the United States, including aircraft suspected of smuggling and aircraft which may become subject to the payment of duty because of their sale in the United States.

#### DISCUSSION OF MAJOR COMMENTS

Several commenters expressed the opinion that the amendment would not achieve its intended purpose because it would not improve the enforcement capabilities of the Customs Service and that the procedure would do little to stop smuggling. One commenter suggested that enforcement should be handled at the airport of first arrival and the pilot or aircraft owner should not be subject to continued surveillance in the United States.

Other commenters noted that Customs can control and collect duty on the sale in the United States of foreign-registered aircraft by coordinating its requirements with the Federal Aviation Administration (FAA). It also was suggested that the FAA could notify Customs of any application for registration of an aircraft that previously had a foreign registration.

Many commenters observed that the amendment would result in a burden on the general public as well as the Customs Service because of the marked increase in the paperwork requirements. They noted that the procedure would require sufficient Customs manpower, during normal working hours as well as on weekends, to insure that permits were issued without undue delay.

Several commenters stated that it frequently is desirable and necessary to change an itinerary during the course of a business trip and that fuel supply, operational requirements, and weather conditions also may necessitate a change in itinerary, making it extremely difficult for a pilot to designate in advance the other airports to be visited in the United States when departing the airport of entry.

Some commenters noted that the amendment might place the United States in violation of the Convention on International Civil Aviation which in part concerns the right of certain foreign aircraft to make stops within another country without the necessity of obtaining prior permission.

Other commenters stated that the amendment would discriminate against owners and pilots of foreign-registered aircraft flying to the United States because it would not impose the same degree of control over foreign-registered automobiles entering the United States. One commenter noted that business users of private foreign-registered aircraft in the United States would find that any delay imposed upon their operations by the amendment would be unreasonable, unneces-

sary, and discriminatory. Several commenters suggested that the inconvenience imposed on foreign aircraft visiting the United States would discourage tourism.

Many commenters expressed concern that adoption of the proposal would result in retaliatory measures by other countries against the United States.

No comments were received in favor of adoption of the proposal.

#### RELATED DEVELOPMENTS

The Customs Service notes that the private aircraft inspection reporting system (PAIRS), its recently initiated national automated arrival reporting system, may be utilized to facilitate enforcement of the laws it administers relating to private aircraft.

#### WITHDRAWAL OF PROPOSAL

In view of the foregoing, the Customs Service has determined that adoption of the proposal at this time would not be in the public interest. Accordingly, the notice of proposed amendment to section 6.2(d)(1) of the Customs Regulations is withdrawn.

#### DRAFTING INFORMATION

The principal author of this document was Charles D. Ressin, Regulations and Legal Publications Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices of the Customs Service participated in its development.

G. R. DICKERSON,  
*Acting Commissioner of Customs.*

Approved: August 30, 1978.

RICHARD J. DAVIS,  
*Assistant Secretary of the Treasury.*



## ERRATA

In CUSTOMS BULLETIN, vol. 12, No. 29, dated July 19, 1978, in T.D. 78-229, on page 23, correct 22d line to read:

Amends: T.D. 72-152-O, as amended, to cover titanium rod.

In CUSTOMS BULLETIN, vol. 12, No. 33, dated August 16, 1978, in T.D. 78-254, on page 2, correct ninth line to read:

Amends: T.D. 72-152-O, as amended, to cover titanium rod. and change 10th line to read:

Revokes: T.D. 78-229-D, superseded.

In CUSTOMS BULLETIN, vol. 12, No. 33, dated August 16, 1978, in T.D. 78-254, on page 4, correct fifth line to read:

paste; Latyl Brilliant Blue BG grains; Latyl Brilliant Blue BGA;

In CUSTOMS BULLETIN, vol. 12, No. 33, dated August 16, 1978, in T.D. 78-254, on page 4, correct 19th line to read:

nylon yarn; nylon staple; nylon strapping; nylon tow; nylon mold-

In CUSTOMS BULLETIN, vol. 12, No. 33, dated August 16, 1978, in T.D. 78-254, on page 5, correct third line to read:

Merchandise: Raw frozen beef and frozen boneless beef trimmings.

In CUSTOMS BULLETIN, vol. 12, No. 33, dated August 16, 1978, in T.D. 78-254, on page 6, correct second line from bottom to read:

stampings (SAE 1010); brake linings (commercial friction code)

In CUSTOMS BULLETIN, vol. 12, No. 33, dated August 16, 1978, in T.D. 78-255, on page 11, correct second line to read:

assemblies, strain gauges for crane booms, steel, and assembly kits.

In CUSTOMS BULLETIN, vol. 12, No. 33, dated August 16, 1978, in T.D. 78-255, on page 14, correct lines 8 through 10 to read:

Revokes: T.D. 53712-D, as amended by T.D. 53931-H, T.D. 74-159-K, T.D. 75-6-E, T.D. 75-56-G, T.D. 75-208-G; T.D. 56365-K, as amended by T.D. 68-23-V; and T.D. 53862-H, as amended by 75-208-G; all of the foregoing superseded.

# Decisions of the United States Customs Court

United States Customs Court

One Federal Plaza  
New York, N.Y. 10007

*Chief Judge*

Edward D. Re

*Judges*

Paul P. Rao  
Morgan Ford  
Scovel Richardson  
Frederick Landis

James L. Watson  
Herbert N. Maletz  
Bernard Newman  
Nils A. Boe

*Senior Judge*

Samuel M. Rosenstein

*Clerk*

Joseph E. Lombardi

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## *Customs Rules Decisions*

(C.R.D. 78-14)

ARMSTRONG BROS. TOOL CO. ET AL.

*v.*

UNITED STATES (GREAT NECK SAW MANUFACTURING,  
INCORPORATED, PARTY-IN-INTEREST)

*Plaintiff's motion for rehearing granted*

CUSTOMS COURT

9

Court No. 77-8-02004

Port of New York

(Dated August 16, 1978)

*Stewart & Ikenson (Frederick L. Ikenson of counsel) for the plaintiffs.*

*Barbara Allen Babcock, Assistant Attorney General (Joseph I. Liebman and William F. Atkin, trial attorneys), for the defendant.*

ORDER

NEWMAN, Judge.

Upon reading and filing plaintiffs' motion for rehearing or reconsideration, together with their memorandum in support thereof, and defendant's response thereto, and upon all other papers and proceedings had herein, it is hereby

ORDERED, ADJUDGED AND DECREED that plaintiffs' motion for rehearing or reconsideration be, and the same is, granted; and it is further

ORDERED, ADJUDGED AND DECREED that that portion of this court's order on defendant's motion to strike entered on June 15, 1978 (C.D. 4751), directing that plaintiffs' action be dismissed in part be, and the same is, vacated.

# Decisions of the United States Customs Court

## *Abstracts*

### *Abstracted Protest Decisions*

DEPARTMENT OF THE TREASURY, *August 28, 1978.*

The following abstracts of decisions of the United States Customs Court at New York are published for the information and guidance of officers of the customs and others concerned. Although the decisions are not of sufficient general interest to print in full, the summary herein given will be of assistance to customs officials in easily locating cases and tracing important facts.

ROBERT E. CHASEN,  
*Commissioner of Customs.*

| DECISION<br>NUMBER | JUDGE &<br>DATE OF<br>DECISION   | PLAINTIFF                   | COURT<br>NO. | ASSESSED                     |                                     | HELD                         |                              | BASIS                               | PORT OF<br>ENTRY AND<br>MERCHANDISE  |
|--------------------|----------------------------------|-----------------------------|--------------|------------------------------|-------------------------------------|------------------------------|------------------------------|-------------------------------------|--|
|                    |                                  |                             |              | Par. or Item<br>No. and Rate | Par. or Item<br>No. and Rate        | Par. or Item<br>No. and Rate | Par. or Item<br>No. and Rate |                                     |  |
| P78/98             | Re., C. J.<br>August 21,<br>1978 | United China & Glass<br>Co. | 75-6-01507   | Item 737.90<br>17.5%         | Item 657.30<br>0.64 per lb.<br>+11% |                              |                              | Agreed statement of facts           | New Orleans<br>Brass/copper miniatures of<br>household articles, not<br>chiefly used for amuse-<br>ment of children or<br>adults |
| P78/99             | Maletz, J.<br>August 21,<br>1978 | Larami Corp.                | 76-8-01777   | Item 737.90<br>21%           | Item 734.20<br>6%                   |                              |                              | Mego Corp. v. U.S. (C.A.D.<br>1137) | 1137 Philadelphia<br>Bagetelle sets  |

# Decisions of the United States Customs Court

## *Abstracts* *Abstracted Reappraisement Decisions*

| DECISION<br>NUMBER | JUDGE &<br>DATE OF<br>DECISION       | PLAINTIFF                       | COURT<br>NO.        | BASIS OF<br>VALUATION | HELD VALUE   | BASIS  | PORT OF ENTRY<br>AND<br>MERCHANDISE   |
|--------------------|--------------------------------------|---------------------------------|---------------------|-----------------------|--|--|---|
| R78/172            | Richardson, J.<br>August 21,<br>1978 | Jaymar Ruby, Inc.               | 72-1-00001,<br>etc. | Constructed value     | Appraised values less<br>\$0.39 per yard                 | H. M. Young Associ-<br>ates, Inc. v. U.S.<br>(C.D. 4388, aff'd<br>C.A.D. 1138) | Chicago<br>"Tissu coton avec<br>elastique pour vete-<br>ments", etc.  |
| R78/173            | Newman, J.<br>August 21,<br>1978     | Yoshida Interna-<br>tional Inc. | R71/14, etc.        | Constructed value     | Equal to invoiced unit<br>prices plus 8.5% net<br>packed | Agreed statement of<br>facts   | Miami<br>Zippers and zipper<br>parts, advisoirly<br>classified under<br>either item 745.70,<br>746.72 or 745.74 |

**Rehearing Motions Filed**

**AUGUST 24, 1978**

Mitsubishi International Corporation *v.* United States, Court No. 77-7-01146.—MOTION TO DISMISS FOR LACK OF JURISDICTION—PROTEST AGAINST PENALTY.—C.R.D. 78-9. MOTION BY DEFENDANT.

Reliable Chemical Company *v.* United States, Court No. 76-2-00311.—MOTION TO DISMISS FOR LACK OF JURISDICTION—MOTION FOR SUSPENSION.—C.R.D. 78-11. MOTION BY DEFENDANT.

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**Judgment of the United States Customs Court  
in Appealed Case**

**AUGUST 25, 1978**

Appeal 77-19.—United States *v.* Zenith Radio Corporation.—AMERICAN MANUFACTURER'S ACTION—VARIOUS CONSUMER ELECTRONIC PRODUCTS EXPORTED FROM JAPAN—COUNTERVAILING DUTY—JAPANESE COMMODITY TAX LAW—REMISSION AND ABATEMENT OF TAXES—INDIRECT BOUNTY OR GRANT—CROSS-MOTIONS FOR SUMMARY JUDGMENT.—C.R. 4691 reversed and remanded July 28, 1977 (C.A.D. 1195); C.A.D. 1195 affirmed by United States Supreme Court on June 21, 1978 (Sup. Ct. No. 77-539).—Motion for summary judgment of United States granted and determination of Secretary of the Treasury that no bounty or grant is being paid or bestowed, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended, upon the manufacture, production or exportation of certain consumer electronic products from Japan, published on January 7, 1976, 41 F.R. 1298, affirmed; action dismissed.

# International Trade Commission Notices

*Investigations by the United States International Trade Commission*

DEPARTMENT OF THE TREASURY

The appended notices relating to investigations by the United States International Trade Commission are published for the information of Customs Officers and others concerned.

R. E. CHASEN,  
*Commissioner of Customs.*

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## Certain Machine Needles

(TA-201-38)

### Notice of Investigation and Hearing

*Investigation instituted.* Following receipt of a petition on August 7, 1978, filed on behalf of The Torrington Co., Torrington, Connecticut, the United States International Trade Commission on August 25, 1978, instituted an investigation under section 201(b) of the Trade Act of 1974 to determine whether needles for machines for making nonwoven or nonknit fabrics; needles for knitting, embroidery, and other textile machines; and needles for sewing machines, except sewing machines designed for household use; provided for in items 670.35; 760.58, 760.60, 670.62, 670.64, and 670.74; and 762.20 of the Tariff Schedules of the United States (TSUS), are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

*Public hearing ordered.* A public hearing in connection with this investigation will be held in Washington, D.C., at 10:00 a.m., e.s.t., on Monday, November 20, 1978, in the Hearing Room, U.S. International Trade Commission Building, 701 E Street, N.W. Requests for appearances at the hearing should be received in writing by the Secretary of the Commission at his office in Washington not later than noon, Wednesday, November 15, 1978.

There will be a prehearing conference in connection with this investigation which will be held in Washington, D.C., at 10 a.m., e.s.t., on Wednesday, November 15, 1978, in Room 117, U.S. International Trade Commission Building, 701 E Street NW.

*Inspection of petition.* The petition filed in this case is available for public inspection at the Office of the Secretary, U.S. International Trade Commission, and at the New York City office of the U.S. International Trade Commission, located at 6 World Trade Center.

By order of the Commission:

Issued: August 28, 1978.

KENNETH R. MASON,  
*Secretary.*

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Steel Wire Strand For Prestressed Concrete From Japan

[AA1921-188']

Notice of Investigation and Hearing

Having received advice from the Department of the Treasury on August 22, 1978, that steel wire strand from Japan is being, or is likely to be, sold at less than fair value, the United States International Trade Commission on August 29, 1978, instituted investigation No. AA1921-188 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being, or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States. For purposes of Treasury's determination, the term "steel wire strand" was defined as steel wire strand, other than alloy steel, stress-relieved and suitable for use in prestressed concrete, provided for in item number 642.1120 of the Tariff Schedules of the United States Annotated (TSUSA).

*Hearing.* A public hearing in connection with the investigation will be held on Tuesday, October 3, 1978, in the Commission's Hearing Room, United States International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436, beginning at 10 a.m., e.d.t. All persons shall have the right to appear in person or by counsel, to present evidence and to be heard. Requests to appear at the public hearing, or to intervene under the provisions of section 201(d) of the Antidumping Act, 1921, shall be filed with the Secretary of the Commission, in writing, not later than noon, Thursday, September 28, 1978.

By order of the Commission.

Issued: August 30, 1978.

KENNETH R. MASON,  
*Secretary.*



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## U.S. Customs Service

### Treasury Decisions:

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## Customs Court

### Judgment in appealed case (p. —); appeal:

77-19—American manufacturer's action—various consumer electronic products exported from Japan; countervailing duty; Japanese commodity tax law; remission and abatement of taxes; indirect bounty or grant; cross-motions for summary judgment

### Motion:

For rehearing granted, C.R.D. 78-14

To strike; order vacated, C.R.D. 78-14

Order vacated; motion to strike, C.R.D. 78-14

### Rehearing:

Granted, C.R.D. 78-14

Motions applied for (p. —):

Motion to dismiss for lack of jurisdiction; motion for suspension

Motion to dismiss for lack of jurisdiction; protest against penalty

THE UNIVERSITY OF CHICAGO  
DIVISION OF THE PHYSICAL SCIENCES  
DEPARTMENT OF CHEMISTRY

REPORT  
ON THE PROGRESS OF THE RESEARCH  
DURING THE YEAR 1954

Submitted by  
J. H. DUNN  
To the  
FACULTY OF THE DIVISION OF THE PHYSICAL SCIENCES  
CHICAGO, ILLINOIS

RESEARCH REPORT NO. 10

Submitted in partial fulfillment of the requirements for the  
degree of Doctor of Philosophy  
in the Department of Chemistry  
The University of Chicago

CHICAGO, ILLINOIS  
1955

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